

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|--|---|------------------|
| SHARON BOBBITT, Individually and On |) | No. 04-12263-PBS |
| Behalf of All Others Similarly Situated, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| ANDREW J. FILIPOWSKI, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |
| <hr/> |) | |
| JAMES F. HOWARD, Individually and On |) | No. 06-11072-PBS |
| Behalf of All Others Similarly Situated, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| ANDREW J. FILIPOWSKI, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |
| <hr/> |) | |

[PROPOSED] ORDER AWARDING PLAINTIFFS' COUNSEL'S ATTORNEY FEES AND
EXPENSES

This matter having come before the Court on June 24, 2008, on the motion of Plaintiffs' Counsel for an award of attorney fees and expenses incurred in the Litigation, the Court, having considered all papers filed and proceedings conducted herein, having found the settlement of this action to be fair, reasonable and adequate and otherwise being fully informed in the premises and good cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. All of the capitalized terms used herein shall have the same meanings as set forth in the Amended Stipulation of Settlement dated as of March 20, 2008 (the "Stipulation"), and filed with the Court.

2. This Court has jurisdiction over the subject matter of this application and all matters relating thereto, including all members of the Class who have not timely and validly requested exclusion.

3. The Court hereby awards Plaintiffs' Counsel attorney fees of 30% of the Settlement Fund plus reimbursement of litigation expenses in the amount of \$451,283.94, together with the interest earned thereon for the same time period and at the same rate as that earned on the Settlement Fund until paid. The Court finds that the amount of fees awarded is fair and reasonable under the "percentage-of-recovery" method.

4. The fees and expenses shall be allocated among Plaintiffs' Counsel in a manner which, in Plaintiffs' Settlement Counsel's good-faith judgment, reflects each such counsel's contribution to the institution, prosecution and resolution of the Litigation.

5. The awarded attorney fees and expenses and interest earned thereon shall immediately be paid to Plaintiffs' Settlement Counsel subject to the terms, conditions and

obligations of the Stipulation, and in particular ¶6.2 thereof which terms, conditions and obligations are incorporated herein.

IT IS SO ORDERED.

DATED: _____

THE HONORABLE PATTI B. SARIS
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 17, 2008.

s/ Ellen Gusikoff Stewart

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